

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 2: Administration of Child Welfare	Effective Date: 3-1-07
	Section 11: Conducting Background Checks for DCS Contractors	Version: 1

POLICY [NEW]	OLD POLICY: N/A
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The Indiana Department of Child Services (DCS) will complete a background check on employees and volunteers (which includes interns).of all DCS contractors if the employee/volunteer/intern has or will have direct contact, on a regular and continuing basis, with children supervised by the agency.

For DCS contractors, a “background check” will consist of the following criminal (or juvenile) and civil history checks:

1. Fingerprint-based National Criminal History which includes Indiana State Juvenile History and fingerprint-based Indiana State Criminal History check.
2. Sex and Violent Offender Registry
3. Child Protection Services History
4. Local law enforcement agencies (LEA) / county sheriff records

A \$39.00 fingerprint processing fee per applicant and each employee, and a \$33 fingerprint processing fee per volunteer or intern will be required. The Central Office Background Check Unit will accept a certified check or money order made payable to the “Treasurer of the State of Indiana” to cover the cost of each applicant card submitted for processing. The DCS Background Check Unit will not process an applicant card if the appropriate payment is not received. The applicant will NOT submit this payment where the prints are taken. Payment must be sent to the Central Office Background Check Unit with the application and “Applicant” (blue and white) fingerprint cards.

Each employee/volunteer/intern for whom a background check is required will have a current job description which indicates that the individual has direct contact, on a regular and continuing basis, with children supervised by the agency.

DCS will require background checks to be completed:

1. at the beginning of the contract, and
2. prior to beginning employment or serving as a volunteer, and
3. at contract renewal.

A new background check will be required for the employee/volunteer/intern if the agency contract is being renewed and more than one year has past since the employee/volunteer/intern was printed.

DCS will maintain confidentiality of all information gained during the background check process, following all applicable state and federal laws. Refer to separate policy, [Chapter 2 Confidentiality of Background Check Data](#).

Each contractor will maintain records of all information received concerning background checks.

DCS will require the contractor to notify the DCS Deputy Director or designee within 24 hours of the arrest or conviction of any employee/volunteer/intern in the agency.

Code References

IC 10-13-3-27 Disclosure of State Limited Criminal History Check Information

IC 10-13-3-38.5 Conducting Fingerprint Criminal History Checks for Contractors

PROCEDURE

Prior to submitting the contract for signature, the contractor will complete the following steps for all employees, volunteers or interns who have direct contact, on a regular and continuing basis, with children supervised by the agency:

1. Verify the identity of all individuals by reviewing an available valid, government-issued identification document; e.g., Social Security cards, birth certificates, photo identification cards, and driver licenses. Refer to separate policy, [2.10 Verifying Identity](#).
2. Complete a search for previous child [protection services (CPS) history and evaluate. Check and evaluate CPS records for **all other states** in which each individual is known to have resided for the past five (5) years. Refer to separate policy, [2.12 Evaluation of Background Checks for DCS Contractors](#).

Note: For Indiana records, contractors are unable to access this information and will need to send a copy of the [Request for Child Protection Service \(CPS\) History Check](#) form to the local DCS office to obtain results. For out-of-state records, each state will need to be contacted to obtain CPS history.

3. Conduct a check of the Sex and Violent Offender Registry for Indiana and for every state in which the individual is known to have resided for the past five (5) years.
4. Search local law enforcement agency (LEA)/sheriff records for every county/state the individual is known to have resided in for the past (5) years.
5. Prepare the employee/volunteer/intern for fingerprinting by explaining the fingerprinting process. Refer to related information.
6. The contractor will complete the applicable sections on the [Application for Criminal History Background Check](#). Assist the employee/volunteer/intern with completing the remaining information.
7. The contractor will instruct the prospective employee/volunteer/intern to get printed at the LEA/ sheriff's office or Indiana State Police (ISP) post or DCS fingerprint vendor.
8. When the contractor receives the completed fingerprint cards, forms, and payment the contractor will document receipt of the items before forwarding them to the Central Office Background Check Unit. The vendor will verify that the following information is completed legibly on the fingerprint card:
 - a. Signature of applicant on the card (Signature of Person Printed) in **black** ink.
 - b. Printed first and last name (include middle initial, if applicable).
 - c. Date applicant was printed.
 - d. Reason printed. Use one of the following codes:
 - i. Employment

- ii. DCS contractors (IC 10-13-3-38.5)
- e. Social Security number.
- f. Sex, race, height, weight, eye color, hair color, place of birth and date of birth.
- g. Agency name in “Reason Printed” box. Make a copy of the fingerprint card prior to sending it to the Central Office Background Check Unit.

After receiving and reviewing the results of the state and national checks from ISP, the Central Office Background Check Unit will provide a letter to inform the contractor of the qualifying status. The contractor must inform the employee//volunteer/intern of the final determination. If that individual has a **qualified** status based upon criminal history, the individual may begin working directly with children supervised by the agency. If a person is **conditionally disqualified or disqualified**, refer to separate policies, [2.12 Evaluation of Background Checks for DCS Contractors](#).

PRACTICE GUIDANCE

FORMS AND TOOLS

Forms

- [Application for Criminal History Background Check](#)
- [Tracking National Criminal History and Juvenile History Reports](#)
- [Request for Child Protection Service \(CPS\) History Check](#)

RELATED INFORMATION

Preparing Staff Fingerprinting

The agency will explain the following to staff:

1. The Indiana Department of Child Services (DCS) will complete a background check on employees/volunteers/interns of all DCS contractors if the individual has or will have direct contact, on a regular and continuing basis, with children supervised by the agency.
2. Fingerprinting will occur at a LEA or sheriff’s office or Indiana State Police post or DCS fingerprint vendor.
3. Each person being printed will be required to have one valid, government-issued identification document with them; i.e., driver’s license, Social Security card, birth certificate, passport, visa, etc.).
4. The contractor will provide each employee/volunteer/intern with a copy of the [Application for Criminal History Background Check](#).
5. This form must be presented to the individual taking the prints at the time of fingerprinting.
6. After taking the fingerprints, the Application for Criminal History Background Check and completed fingerprint cards will be returned to the employee/volunteer/intern. That individual is responsible for returning the cards, along with the completed form (and payment, if applicable) to his/her employer, volunteer agency or other institution.
7. The employer/volunteer agency will send the following to the DCS Background Check Unit:
 - a. The completed Application for Criminal History Background Check.
 - b. The applicant fingerprint card.
 - c. The appropriate payment for each applicant fingerprint card to be processed.

Completing the Fingerprinting Forms

1. The agency will complete the information inside the box titled "To be completed by Licensed Child Placing Agency, DCS Licensed Residential Care or Contract Personnel" on the top of the Employee/Volunteer form.
2. The employee/volunteer/intern completes all remaining information on the Employee/Volunteer form.
3. The agency provides the employee/volunteer/intern with one photocopy of all completed forms and retains the originals for the licensing or contract file.

Processing of Fingerprint Cards for National Criminal History , Indiana Fingerprint Based Criminal History and Indiana State Juvenile History Reports

1. After being fingerprinted, the employee/volunteer/intern returns the completed fingerprint card, completed forms, and if applicable, payment, to the agency that employs the person or for whom the person volunteers.
2. The contractor documents the date and time that the cards, forms, and if applicable, payment were received and carefully checks all forms for accuracy. See [Sample Fingerprint Log Sheet](#).
3. The contractor mails all cards, forms, and if applicable, payment to: Central Office Background Check Unit, Indiana Department of Child Services, 402 W. Washington St. MS 049, Indianapolis IN 46204. It will be necessary to use a sufficiently large envelope to avoid bending, creasing or folding the fingerprint cards. Cards cannot be processed if they do not arrive in good condition.
4. The DCS Central Office Background Check Unit delivers the cards to the ISP headquarters at Indiana Government Center North.
5. ISP headquarters forwards the fingerprint cards to the Federal Bureau of Investigation (FBI). The FBI conducts the check and returns a report to ISP.
6. The DCS Central Office Background Check Unit retrieves the Indiana State Juvenile History, Indiana Finger Print-Based Criminal History Report and National Criminal History reports from ISP headquarters when they become available, usually within a couple weeks.
7. The DCS Central Office Background Check Unit evaluates the report. Please refer to separate policy, [2.12 Evaluating Background Checks for DCS Contractors](#).

Special Fingerprinting Issues

Unreadable Prints: For a variety of reasons, an individual's fingerprints may be unreadable. Applicant cards may be rejected by ISP or the FBI for the following reasons: smudged prints, not fully rolled, fingerprints too light or too dark, double prints in one box or all five (5) prints not on the same card. When this occurs, the Central Office Background Check Unit will send notification to the local DCS office where the child's case resides, that the applicant must be reprinted. If the applicant's fingerprints are rejected by the FBI twice, ISP will coordinate with the FBI to allow for a Name-based National Criminal History Report to be generated without follow-up fingerprints. Rejection of the fingerprint cards by ISP does not count as an FBI rejection.

Checking the Status of a Fingerprint-based National Criminal History Report

To learn the status of a Fingerprint-based National Criminal History Report, please contact the Central Office Background Check Unit at Background.CheckUnit@DCS.IN.Gov.

Disclosing National Criminal History Check Information to the Subject of the Check

DCS may disclose the specific crimes that disqualified the subject of the criminal history check to the subject **if** the disqualifying decision is challenged. The subject of the check may challenge the decision by asking for specific details of the crimes that resulted in the disqualification. DCS may disclose to the employer the general category (listed felony, general felony or misdemeanor) on which the decision was made.

If any of the checks conducted by DCS reveal an inaccurate record, the record may be formally challenged. A Review Challenge of inaccurate information must be made to the State and/ or agency that posted the record. To refute inaccurate Indiana criminal history records or information, please request a Review Challenge from the Indiana State Police.

Disclosing State Limited Criminal History Check Information to the Subject of the Check

DCS may provide a copy of the state limited criminal history check to the subject of the check or the subject's employer.

If any of the checks conducted by DCS reveal an inaccurate record, the record may be formally challenged. A Review Challenge of inaccurate information must be made to the State and/ or agency that posted the record. To refute inaccurate Indiana criminal history records or information, please request a Review Challenge from the Indiana State Police.

Indiana State Juvenile History

This check will be initiated automatically when ISP receives the fingerprint card for the National Criminal History report. ISP will conduct the search and send the results to the DCS Central Office Background Check Unit. A copy of any juvenile history is included with the state limited criminal history check report.

Sex and Violent Offender Registry

This is a registry of individuals who have been convicted of sex and/or violent crimes. For Indiana, the link is: <http://www.insor.org/insasoweb/>. For all other states, the link is: www.fbi.gov/hq/cid/cac/states.htm. This registry is a public record.

CPS History

In Indiana, CPS history is checked by searching the electronic Child Protection Index (CPI) and all hard copy records. To complete a CPS history check, please submit the [Request for Child Protection Service \(CPS\) History Check](#) to your local DCS office.